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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,267	09/15/2003	Gilbert E. Caster	84323ARLW	9030

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EXAMINER
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PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/662,267	<b>Applicant(s)</b> CASTER, GILBERT E.	
	<b>Examiner</b> Jason Prone	<b>Art Unit</b> 3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 15-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-33 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>15 September 2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 5 lines 11, item "26". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: On page 6 line 29, the phrase "Fig. 3" should be replaced with "Fig. 6". On page 15 line 10, the phrase "(indicated by arrow 112 toward the bumper 66)" should be replaced with "(indicated by arrow 112 toward the bumper 66)".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 15-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. On page 9 lines 6-9, the sentences "the second bumper 68 has an upper

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portion 70 that is angled inward at about 30 degrees to help direct the derelict products 16 toward the first bumper. The second bumper also has a lower portion 72 that is part of an auxiliary block 74 joined to the V-block 38" are unclear. From Figure 5, it appears that the first bumper has the upper portion "70" and the lower portion "72" but the lower portion of the first bumper is not part of the auxiliary block "74". It is uncertain if the second bumper also has the upper portion "70" and the lower portion "72" due to the fact that there are no reference labels associated with the second bumper "68".

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 15, 16, 21-25, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Urban et al.

Urban et al. discloses the same invention including a V-block defining a nest axis (7), that the V-block has a pair of supports being inclined at different angles to the nest axis (3 and line 5-9), a ram facing the supports (11), that the ram has a near position adjoining the V-block and a far position at a greater separation from the V-block than the near position (Fig. 4), that the ram is rapidly movable from the far position to the near position along the nest axis (Fig. 4), that the ram is aligned with the next axis in the near position (Fig. 4), that one of the supports is inclined at an angle of about 30 degrees to the nest axis (3), that the other support is inclined at an angle of about 60

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degrees to the next axis (line 5-9), that the supports together define an angle of about 90 degrees (Fig. 3), a bumper laterally adjoining the supports (6), and that the side support extends farther outward from the axis than the end support (Fig. 3).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 17-19 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urban et al. in view of Kim et al. Urban et al. discloses the invention but fails to disclose a sweep operatively disposed to clear the nest, that the ram and sweep are synchronized in alternation, and a plurality of passages extending through the nest with a pressurized gas supply connected to the passages. Kim et al. teaches a sweep operatively disposed to clear the nest (265), that the ram and sweep are synchronized in alternation (Fig. 4), and a plurality of passages extending through the nest (274) with a pressurized gas supply connected to the passages (Column 5 lines 18-21).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Urban et al. with a sweep, as taught by Kim et al., to allow the user better access to the finished product.

9. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urban et al. in view of Kim et al. Urban et al. discloses the invention including a ram, defining an axis, that is movable from a far position to a near position (11), a nest

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closely adjoining the ram when the ram is in the near position (Fig. 4), the nest having first and second supports defining first and second intersecting planes that meet at the ram axis (Fig. 3), that the planes are inclined relative to the ram axis (Fig. 3), and that the first plane (line 5-9) is inclined relative to the next axis at about double the angle of the second plane (3) but fails to disclose a sweep operatively disposed to clear the nest and that the ram and sweep are synchronized. Kim et al. teaches a sweep operatively disposed to clear the nest (265) and that the ram and sweep are synchronized (Fig. 4). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Urban et al. with a sweep, as taught by Kim et al., to allow the user better access to the finished product.

as 10. It is to be noted that claims 20, 26, 32, and 33 have not been rejected over prior art. <sup>They</sup> ~~It~~ may or may not be readable over the prior art but cannot be determined at this time in view of the issues under 35 USC § 112.

### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bostrom, Harris, Turner, Deckert, Johnson, and Caster.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP  
May 3, 2004

  
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